

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PARTIES' JOINT STATUS REPORT

1. Plaintiff's Claims. Plaintiff Tommy Barron claims the Defendant Derane Ingle used excessive force during an arrest without probable cause on or about February 16, 2004, in violation of his clearly established federal rights.

2. Defendant's Defenses. Defendant Derane Ingle asserts his entitlement to qualified immunity. Deputy Ingle was acting within his discretionary authority and did not violate any of the Plaintiff's clearly established federally protected rights.

3. Current Status.

Discovery continues to progress slowly. The Plaintiff has issued a large number of subpoenas. Responses to these have been slow in coming in. The Plaintiff needs the information subpoenaed in order to fully respond to the

Defendant's discovery. Depositions of the Plaintiff and Defendant are scheduled for March 5 and 6th respectively. The progress of this case also continues to be hampered by Plaintiff counsel's military service obligations which will formally end March 9, 2008, baring an unforeseen international event.

4. Motions. None pending.

5. Current Issues. The latest criminal charge against the Plaintiff by Walker County, involving the Plaintiff and Defendant has been dismissed against the Plaintiff. However, the Plaintiff still faces trial in Walker County on February 24, 2008 based on his appeal of the conviction on the charge of Resisting Arrest, which arose, along with the charge of Disorderly Conduct, out of the circumstances made the basis of this case. The Disorderly Conduct charge was dismissed during the original trial in the District Court of Walker County.

6. Settlement. No settlement discussions are currently being conducted by counsel for the parties as of this date.

Respectfully submitted this the 22nd day of January, 2008.

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